THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.9260 of 2002

Dated 17-10-2005

Between:

K. Padmavathi.

..... PETITIONER

AND

The District Collector and Agent to the Government., E.G. District at Kakinada, and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.9260 of 2002

O R D E R:

When the vacate petition filed by the respondents is listed for hearing, at the request of the learned counsel for both the parties, the writ petition itself is heard and decided.

The writ petition is filed to declare the action of the respondents in seeking to evict the petitioner from the land to an extent of Ac.0-65 cents in Survey No.61/3A of Gontuvanipalem village, Addategala Mandal, East Godavari District, in pursuance of the order in L.T.R.P.No.2 of 1998 as arbitrary and illegal.

This Court, while ordering Rule Nisi on 15-05-2002, directed the respondents 1 and 2 not to evict the petitioner from the land-in-question.

In the counter-affidavit filed, the respondents have contended that the petitioner, as a matter of fact, is not in possession of the land-in-question, but the said land has already been allotted to some third parties. However, the petitioner disputes the same and asserts that

he has been in continuous possession of the land-in-question.

Be that as it may, since the petitioner has already preferred an appeal against the order in L.T.R.P.No.2 of 1998 and the same is pending before the first respondent-District Collector and Agent to the Government, East Godavari District at Kakinada, I am not inclined to express any opinion on merits, instead, I deem it appropriate to dispose of the writ petition directing the first respondent to dispose of the appeal expeditiously.

The writ petition is accordingly disposed of directing the first respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, *status quo* obtaining as on today as to the nature and possession of the land-in-question shall be maintained. No costs.

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(**G. ROHINI, J**)

Date:17-10-2005

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